

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

COREY THOMPSON,

Defendant.

2:10-CR-00325-PMP-RJJ

ORDER

Before the Court for consideration is Defendant Corey Thompson's fully briefed Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. #190). For the reasons set forth in the Government's Response (Doc. #194), the Court finds Defendant Thompson's Motion to Vacate (Doc. #190) must be denied.

Defendant Thompson advances six arguments in support of his motion. First, the Court finds that the signed Plea Agreement and colloquy with this Court at the time Thompson entered his plea of guilty demonstrates that Thompson had a full understanding of the nature of the charges as well as the potential consequences of his guilty plea. Second, because there is no statute of limitations for murder with a firearm during and in relation to a drug trafficking crime, 18 U.S.C. § 3281, the statute of limitations for prosecution of Thompson's predicate drug trafficking crime is irrelevant.

Third, Thompson's claim that he had a legal right to possess a firearm is irrelevant to this case. Fourth, by his Plea Agreement, Defendant Thompson has waived

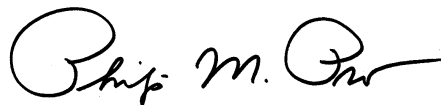
1 any argument that an incorrect version of the United State's Sentencing Guidelines was
2 employed. Indeed, in his Plea Agreement, Thompson stipulated that the 2011 Sentencing
3 Guidelines would be used to determine his sentence rather than the 2002 Guidelines that
4 were in effect when Defendant Thompson murdered Arlene McMillian. Further, for the
5 reasons set forth in the Government's Response (Doc. #194) the Court finds Thompson's
6 Fourth Claim is procedurally defaulted. Fifth, Thompson's argument regarding the statute
7 of limitations for prosecution of the offense of being a felon in possession of a firearm is
8 irrelevant, because Thompson was not charged with being a felon in possession of a firearm
9 nor sentenced for that crime. Finally, Thompson's various and unspecific claims of
10 violations concerning the disclosure of exculpatory and impeachment information are
11 irrelevant and are waived by his guilty plea.

12 In sum, Defendant Thompson's arguments in support of his § 2255 Motion are
13 without merit.

14 **IT IS THEREFORE ORDERED** that Defendant Thompson's Motion Under 28
15 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody
16 (Doc. #190) is **DENIED**.

17 **IT IS FURTHER ORDERED** that a Certificate of Appealability is also
18 **DENIED**.

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20 DATED: December 3, 2013.

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23 PHILIP M. PRO
24 United States District Judge
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